



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of March 9, 2022

The Miami-Dade Commission on Ethics & Public Trust (COE) held a meeting on March 9, 2022. Physically present were Chairwoman Judith Bernier, Vice Chair Wifredo Gort, and Commissioner Nelson Bellido. Also present were José Arrojo, Executive Director; Martha Perez, General Counsel; Radia Turay, Advocate, Loressa Felix, Staff Attorney; Drew Bunker, Staff Attorney; Etta Akoni, Staff Attorney; Leonardo Mendoza, Public Information Officer; Rachelle Ross, Commission Clerk; Investigators Nilda Olmo, Rodney Vega, Susannah Nesmith, Kelly Reid; and members of the public. The meeting was called to order at 10:07 a.m. by Chairwoman Bernier. A quorum was present.

I. Approval of Minutes

Commissioner Bellido made a motion to approve the minutes of the February 9, 2022, meeting. Vice Chair Gort seconded it and it was approved **(3-0)**.

II. Public Comment

None.

III. RQO 22-01

General Counsel Martha Perez presented a memorandum regarding RQO 22-01, directed to Basia Pruna, Director of Clerk of the Board Division of the Clerk of the Courts who sought direction from the COE as to whether a Contingency Fee declaration executed by the Lobbyist and the Principal satisfies the requirement under the Principal and Lobbyist Registration section of the County Ethics Code. The General Counsel argued that the contingency fee statement under oath by both the Lobbyist and the Principal shares the intent and purpose of the current affidavit and provides an effective means to gain compliance and enforcement of the lobbying registration requirements in the County Ethics Code. Vice Chair Gort made a motion to accept the

General Counsel's recommendation and issue a formal opinion. Commissioner Bellido seconded it and it was approved **(3-0)**.

IV. Public Housing and Community Development Housing Assistance Inquiries

Staff Attorney Drew Bunker presented requests from eight individuals for the month of February seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department. In the case of seven of those County employees, since neither they nor any of their immediate family members oversee or administer the program, so Commission staff opined there was no conflict. In the case of one individual, the COE had no jurisdiction.

V. Monthly Summary of Inquiries

Staff Attorney Drew Bunker presented a Summary of Inquiries by the COE for February and presented **INQ 2022-17**. In this request for an informal opinion, Shelley Ann Davidson, Human Resources Manager at the Miami-Dade Water and Sewer Department (WASD) inquired as to whether free tickets received by WASD to a monster truck event could be made available and used by County employees pursuant to the Gifts section of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

Ms. Davidson was advised that WASD employees may receive and use the promotional offer from "Monstertruckz.com" for one free child's ticket with the purchase of one adult ticket to the monster truck show because the promotional offer is available to the general public , so it does not constitute a gift but rather a sales or marketing strategy.

VI. Miami Beach Lobbyist Appeals

Miami Beach Lobbyist Mark Bullivant appealed the imposition of a fine for his failure to file expenditure and compensation statements as required by the City of Miami Beach Lobbyist Ordinance. Commissioner Bellido moved to issue a waiver of the fine. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

Miami Beach Lobbyist Rai Fernandez appealed the imposition of a fine for his failure to file expenditure and compensation statements as required by the City of Miami Beach Lobbyist Ordinance. Commissioner Bellido moved to issue a waiver of the fine. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

VII. Executive Director's Report

- Executive Director Jose Arrojo stated he wanted to make sure he interpreted the board's policy directive accurately when he directed COE staff to present the commission with pending investigations and new

complaints that have been filed. The Commission decided to roll over the issue to their next meeting so Commissioner Copeland, who was absent, could address his concerns.

- Executive Director Jose Arrojo stated that as is common practice, whenever there is an amendment to a municipal or county ethics ordinance, the legislative body calls on him to appear on behalf of the COE as a subject matter expert to share what other jurisdictions ethics code may look like or how the county ethics code has been interpreted. Executive Director Arrojo then presented the Commission with a recent amendment to the North Miami Beach Code of Ethics that carves out a category of occupations including mortgage brokers that limits persons that are in those occupations from being paid fees if the subject matter of the real estate transaction is subsequently going to come before a board in that municipality for some type of zoning or development approval. The mayor in that municipality is in opposition to the matter.

- Executive Director Arrojo communicated to the Commission that he and the COE General Counsel were in attendance before the Board of County Commissioners regarding an ongoing proposal to amend the Cone of Silence. The concern of the Board of County Commissioners is that the current Cone of Silence ties their hands from obtaining the status of ongoing procurements that are before selection committees during the Cone of Silence. The Executive Director stated that these proposed changes would open-up the Cone of Silence and asked the Commission if they would like to offer any policy guidance regarding this proposal that he can deliver to the Board of County Commissioners.

- Executive Director Arrojo stated that he petitioned Commissioner Regalado, the sponsor of Implementing Order 3-34 , to give the COE some time to comply with the resolution because the COE simply does not have the staff or the infrastructure to comply with an order that requires the office to provide any records that have any investigative reports or complaint records that relate to any proposer in a procurement. In the first ten days of the order being implemented, the COE received more than 1,400 public records requests.

Commissioner Regalado amended the resolution to provide the COE with 120 days before the COE is obligated to comply.

- Executive Director Arrojo communicated to the Commission that the COE is in the process of hiring a new line investigator.

VIII. Summary of Closed Investigations

COE Advocate Radia Turay presented the Commission with a summary of closed investigations.

IX. Executive Session

Staff Attorney Loressa Felix made a recommendation to dismiss complaint **(C 22-05-02)** for lack of legal sufficiency. In open session, Commissioner Bellido moved to approve the dismissal of the complaint due to lack of legal sufficiency. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 22-06-02)** for lack of legal sufficiency. In open session, Commissioner Bellido moved to approve the dismissal of the complaint due to lack of legal sufficiency. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 22-07-02)** for lack of legal sufficiency. In open session, Commissioner Bellido moved to approve the dismissal of the complaint due to lack of legal sufficiency. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

Advocate Radia Turay presented a Stipulation to a finding of Probable Cause and Settlement Agreement in complaint **(C 22-04-02)**. In open session, Commissioner Bellido made a motion to accept the Stipulation to a Finding of Probable Cause and accept the Settlement Agreement. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

Advocate Radia Turay presented a Motion for Extension of Time in complaint **(C 22-01-01)**. Commissioner Bellido moved to approve the Request for Continuance. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

Commissioner Bellido made a motion grant the issuance of a subpoena in **PI 21-57**. It was seconded by Commissioner Gort and unanimously approved **(3-0)**.

X. Open Session

Advocate Radia Turay made a recommendation to ratify a Letter of Instruction in complaint **(C 22-02-01)**. Commissioner Bellido moved to approve the ratification of the Letter of Instruction. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

Advocate Radia Turay made a recommendation to ratify a Letter of Instruction in complaint **(C 22-03-01)**. Commissioner Bellido moved to approve the ratification of the Letter of Instruction. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

XI. Old Business

None.

XII. Adjournment

There being no further business, the meeting adjourned at 11:12 AM.

Prepared by Leonardo Mendoza, Public Information Officer